

**ASSEMBLY BILL**

**No. 1914**

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**Introduced by Assembly Member Montanez**

February 9, 2004

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An act to amend Section 32500 of, and to add Sections 32501, 32502, and 32503 to, the Education Code, and to repeal Section 2053.4 of the Penal Code, relating to education in state prisons.

LEGISLATIVE COUNSEL'S DIGEST

AB 1914, as introduced, Montanez. Education in state prisons.

Existing law requires the Director of Corrections to appoint a Superintendent of Correctional Education to oversee and administer all prison education programs. Existing law requires the Superintendent of Correctional Education to set both short- and long-term goals for inmate literacy and testing and establish priorities for prison education programs.

This bill would repeal the position of Superintendent of Correctional Education.

Existing law requires the Director of Corrections, the Chancellor of the California State University and Colleges, the Chancellor of the California Community Colleges, and the Superintendent of Public Instruction, with the advice of the California Postsecondary Education Commission, to enter into interagency agreements in order to encourage greater involvement of educational institutions in planning and developing prison-based educational programs and requires the Director of Corrections, the Chancellor of the California State University and Colleges, the Chancellor of the California Community Colleges, and the Superintendent of Public Instruction to appoint an advisory committee to make recommendations on the use of

instructional television in these programs, review and make recommendations relating to any proposed budgets for these programs, and to review and make recommendations relating to the implementation of the interagency agreement.

This bill, the Prison Education Reform Act, would rename the advisory committee the Robert E. Burton Correctional Education Committee, to be composed of 15 members, appointed as specified, and established within the Department of Corrections. The bill would require the committee, among other duties and responsibilities, to approve education programs in correctional institutions and adopt and enforce rules and regulations for the management and operation of education programs within the Department of Corrections.

The bill would require the committee, in conjunction with parole and other aftercare programs and consistent with the policies adopted by the board, to develop and implement a plan for providing transitional educational services for inmates, including, but not limited to, counseling and placement services. The bill would require the committee to provide every inmate who has a reasonable expectation of release, as specified, with the opportunity to achieve a specified level of functional literacy, among other educational benefits, and an opportunity to obtain the equivalent of a high school education if the inmate has demonstrated the intellectual capacity to benefit from that additional education. The committee would also be required by the bill to provide college-level academic programs, as specified.

The bill would set forth the goals and objectives of the committee, including among others, ensuring that correctional education programs meet minimum performance standards and provide 9th grade literacy skills and marketable vocational skills, developing a procedure, in cooperation with the State Department of Education, to evaluate the effectiveness of correctional education programs, developing a mechanism to test all offenders committed to the custody of the Department of Corrections for academic achievement, and developing a five-year comprehensive plan for a unified correctional school system.

The bill would additionally require the committee to submit a report to the Legislature on or before January 1, 2006, with recommendations for further restructuring of correctional education in this state and focusing on, among other items, attaining parallel education structures between correctional and public education, funding sources, and correctional education curriculum.



Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. This act shall be known, and may be cited as, the  
2 Prison Education Reform Act.

3 SEC. 2. The Legislature finds and declares all of the  
4 following:

5 (a) The Budget Act of 2003 recognizes fiscal savings derived  
6 from the effective implementation of prison education and  
7 vocational programs.

8 (b) More than 20 states have established an independent  
9 correctional educational district and have found that this change  
10 in the structure of educational and vocational services reduces  
11 recidivism significantly.

12 (c) A correctional system that reduces prison education  
13 programs to an insignificant level and focuses solely on the  
14 custodial functions creates an unbalanced situation for the  
15 long-term stability of the criminal justice system. With this  
16 emphasis, prison growth is inevitable. The current structure of  
17 California's prison education system undervalues education and is  
18 hostile to rehabilitation. As a consequence, inmates will leave  
19 prison worse off than when they were first incarcerated.

20 (d) The undermining of correctional education is often falsely  
21 justified on the grounds of security, but it is an artificial security.  
22 A majority of those in prison will eventually be released and  
23 therefore the state has an obligation to prepare them to be  
24 contributing members of society. Current correctional education  
25 policies endanger public safety by failing to provide inmates with  
26 a means to take positive control of their environment, both within  
27 prison and after release.

28 (e) As the prison education system fails, parole crime  
29 increases, recidivism increases, and prison populations swell.  
30 Commensurately, the need for additional correctional resources  
31 increases. During economic downturns, when the state faces  
32 enormous fiscal pressures, increased correctional costs come at the  
33 expense of other critically needed programs.



1 (f) A comprehensive correctional educational program is an  
2 efficient use of state funds as it will allow tens of thousands of  
3 former inmates to become productive citizens.

4 SEC. 3. Section 32500 of the Education Code is amended to  
5 read:

6 32500. (a) In order to encourage greater involvement of  
7 educational institutions in planning and developing prison-based  
8 educational programs, the Director of Corrections, the Chancellor  
9 of the California State University and Colleges, the Chancellor of  
10 the California Community Colleges, and the Superintendent of  
11 Public Instruction, with the advice of the California Postsecondary  
12 Education Commission, shall enter into interagency agreements.

13 ~~Such~~ *These* agreements shall provide for, but not be limited to, all  
14 of the following:

15 (1) A determination of the roles of the Department of  
16 Corrections, the office of the Chancellor of the California State  
17 University and Colleges, the office of the Chancellor of the  
18 California Community Colleges, and the ~~Department of~~  
19 ~~Education~~ *department*, in developing policy for prison-based  
20 educational programs.

21 (2) Joint policy and program planning.

22 (b) The Director of Corrections, the Chancellor of the  
23 California State University and Colleges, the Chancellor of the  
24 California Community Colleges, and the Superintendent of Public  
25 Instruction shall appoint ~~an advisory committee to do, but not be~~  
26 ~~limited to doing,~~ *members to the Robert E. Burton Correctional*  
27 *Education Committee as specified in Section 32501. The*  
28 *committee shall perform all of the following duties:*

29 (1) ~~Making~~ *Make* recommendations on the use of instructional  
30 television in these programs.

31 (2) ~~Reviewing and making~~ *Review and make* recommendations  
32 relating to any proposed budgets for these programs.

33 (3) ~~Reviewing and making~~ *Review and make* recommendations  
34 relating to the implementation of the interagency agreement.

35 (4) *Adopt and enforce all necessary rules and regulations for*  
36 *the management and operation of education programs within the*  
37 *Department of Corrections including operating procedures and*  
38 *the goals of correctional education in compliance with the*  
39 *Administrative Procedure Act (Chapter 3.5 (commencing with*  
40 *Section 11340) of Part 1 of Division 3 of Title 2 of the Government*



1 Code). All rules or regulations adopted by the committee shall be  
2 in accordance with the rules and regulations of the Department of  
3 Corrections relating to security and any applicable rules or  
4 regulations adopted by the Superintendent of Public Instruction.

5 (5) Approve education programs of the appropriate levels and  
6 types in the correctional institutions and adopt rules and  
7 regulations for the admission of inmate students to these  
8 educational programs.

9 (6) Enter into agreements with public or private school  
10 districts, entities, community colleges, colleges, or universities, as  
11 appropriate, for the purpose of carrying out the duties and  
12 responsibilities of the board. All agreements and contracts for  
13 instructional services shall expressly prescribe the qualifications  
14 of the board's expectations for instructors and the educational  
15 objectives to be met. In the identification and provision of special  
16 education services, the board shall establish all appropriate  
17 interagency agreements with service providers. All hiring  
18 decisions and other personnel matters with respect to correctional  
19 education programs shall be made by the board or their designee  
20 consistent with civil service regulations. Work performed by state  
21 employees as of January 1, 2005, shall not be assigned to contract  
22 employees.

23 (7) In conjunction with parole and other aftercare programs  
24 and consistent with the policies adopted by the board, develop and  
25 implement a plan for providing transitional educational services  
26 for inmates, including, but not limited to, counseling and  
27 placement services.

28 (8) Prepare that portion of the budget request of the  
29 Department of Corrections for correctional education programs  
30 subject to review by the Director of Corrections. The budget  
31 allocation shall appear as a separate line item in the annual  
32 budget for the Department of Corrections. After the annual Budget  
33 Bill has been passed by the Legislature and signed by the  
34 Governor, no funds appropriated by that Budget Bill for  
35 correctional education programs may be transferred for other  
36 educational purposes without the approval of two-thirds of the  
37 entire committee. Prior to development of the 2005–06 budget, the  
38 committee, in cooperation with the Department of Corrections and  
39 the Department of Finance, shall determine the cost savings, if  
40 any, produced by education expenditures in the prior two fiscal



1 years. These cost savings shall be allocated to enhance the  
2 education program budget for fiscal year 2005–06 if needed.  
3 Similarly, a portion of program savings in subsequent years may  
4 be allocated to enhance education programs, as needed.

5 (9) Conduct annual reviews of program cost effectiveness and  
6 make recommendations, including, but not limited to,  
7 improvement of programs to lower recidivism, consolidation of  
8 administrative functions to lower costs, and ways to reduce  
9 operational costs.

10 (10) Provide each of the educational opportunities set forth in  
11 paragraphs (1) to (4), inclusive, to inmates while in prison and in  
12 state-operated transitional facilities and programs.

13 (11) Provide each inmate who has a reasonable expectation of  
14 release from custody with the opportunity to achieve functional  
15 literacy, specifically the ability to read and write the English  
16 language and to perform routine mathematical functions at a 9th  
17 grade level before his or her release or expiration of sentence. If  
18 the inmate demonstrates the intellectual capacity to benefit  
19 therefrom, the committee shall provide that inmate with the  
20 opportunity to obtain the equivalent of a high school diploma.

21 (12) Provide every inmate who has a reasonable expectation of  
22 release from custody with the opportunity to achieve entry-level  
23 vocational skills in occupational fields in which there is a  
24 demonstrable demand within the economy of this state.

25 (13) Provide every inmate to be released from custody with life  
26 management skills and social adaptation skills to allow the inmate  
27 to function successfully in society.

28 (14) Provide inmates who demonstrate college-level academic  
29 capacity with the opportunity to engage in college-level academic  
30 programs within correctional facilities. The associated costs of  
31 these programs shall be borne by the inmate or generated by  
32 private or foundation funding, subject to evaluations for  
33 cost-effectiveness and recommendations as provided in paragraph  
34 (9).

35 (15) Visit and inspect correctional schools as the committee  
36 deems necessary and name each correctional school if necessary.

37 (c) Notwithstanding the other provisions of this section, the  
38 Director of Corrections shall administer all prison-based  
39 education programs.



1 SEC. 4. Section 32501 is added to the Education Code, to  
2 read:

3 32501. (a) There is hereby established in the Department of  
4 Corrections the Robert E. Burton Correctional Education  
5 Committee. As used in this chapter, “committee” means the  
6 Robert E. Burton Correctional Education Committee.

7 (b) The committee shall be composed of 15 members selected  
8 as follows:

9 (1) The Superintendent of Public Instruction or his or her  
10 designee. Any designee selected by the superintendent shall have  
11 an interest and expertise in the area of adult or correctional  
12 education.

13 (2) An institutional supervisor of correctional education  
14 programs from the Department of Corrections appointed by the  
15 Director of Corrections.

16 (3) A representative of the Prison Industry Authority appointed  
17 by the Director of Corrections.

18 (4) A warden of a state prison appointed by the Director of  
19 Corrections.

20 (5) A vocational instructor from the Department of Corrections  
21 appointed by the Director of Corrections.

22 (6) An academic teacher from the Department of Corrections  
23 appointed by the Senate Committee on Rules.

24 (7) One public member not employed by a state agency  
25 appointed by the Senate Committee on Rules.

26 (8) A prison rights advocate appointed by the Speaker of the  
27 Assembly.

28 (9) One public member not employed by a state agency  
29 appointed by the Speaker of the Assembly.

30 (10) A representative of the University of California appointed  
31 by the President of the University of California.

32 (11) A representative of the California State University  
33 appointed by the Chancellor of the California State University.

34 (12) A representative of the California Community Colleges  
35 appointed by the Chancellor of the California Community  
36 Colleges.

37 (13) A special education teacher from the Department of  
38 Corrections appointed by the Secretary for Education.

39 (14) One public member not employed by a state agency  
40 appointed by the Governor.



1 (15) A representative from the State Department of Labor,  
2 Industrial Relations Division of Apprenticeship Standards, Chief  
3 or designee.

4 (c) (1) Except for the terms of initial members, members shall  
5 be appointed for terms of four years. If a vacancy occurs, the  
6 appointing authority, as specified in subdivision (a), shall appoint  
7 a member for the remainder of that term. The terms of the initial  
8 members of the committee shall expire as follows:

9 (A) The members selected under paragraphs (1), (2), (5), and  
10 (15) of subdivision (a) shall expire on March 15, 2007.

11 (B) The members selected under paragraphs (4), (6), and (8) of  
12 subdivision (a) shall expire on March 15, 2008.

13 (C) The members selected under paragraphs (3), (10), (11), and  
14 (12) of subdivision (a) shall expire on March 15, 2009.

15 (D) The members selected under paragraphs (7), (9), (13), and  
16 (14) of subdivision (a) shall expire on March 15, 2010.

17 (2) Successor members shall hold office for terms to  
18 commence on the expiration date of the term of the predecessor.

19 (d) Members of the committee shall serve without  
20 compensation but shall be reimbursed for per diem and travel  
21 expenses incurred in the performance of their duties. Members  
22 employed by state agencies shall receive their normal state salaries  
23 while serving on the committee. Costs incurred by the committee  
24 shall be offset by a reduction in the current prison education  
25 program administrative staff, either Education and Inmate  
26 Program Unit administrative staff at the Central Office or site  
27 principals.

28 (e) The members of the committee shall elect a chairperson  
29 annually. The chairperson shall meet regularly with the Director  
30 of Corrections to ensure that all actions taken by the committee are  
31 in accordance with Department of Corrections rules and  
32 regulations relating to security.

33 (f) The committee shall meet at least six times each year. The  
34 meetings may be called by the chairperson of the committee.

35 SEC. 5. Section 32502 is added to the Education Code, to  
36 read:

37 32502. The goals and objectives of the committee shall be all  
38 of the following:



1 (a) Ensure that correctional education programs meet  
2 minimum performance standards and provide 9th grade literacy  
3 skills and marketable vocational skills.

4 (b) Develop by January 1, 2007, and in cooperation with the  
5 department, a procedure to evaluate the effectiveness of  
6 correctional education programs, including criteria similar to  
7 those utilized by the department. An evaluation shall be done on  
8 a biennial basis thereafter.

9 (c) (1) Ensure that all education staff are certified in  
10 accordance with the department standards by January 1, 2006.  
11 Provision shall be made for the development of individual plans,  
12 approved by the director if a current education staff member does  
13 not qualify for certification. Instead of certification, correctional  
14 librarians shall hold a master's degree in library science from a  
15 library program accredited by the American Library Association.

16 (2) Ensure that in performing educational services, the  
17 members of the education staff do not perform peace officer duties.

18 (3) Ensure that educational staff adhere to institutional security  
19 standards and maintain safety status to continue the institutional  
20 security and protection of the public safety.

21 (d) Develop a procedure for maintaining a list of substitute  
22 teachers so that students are not displaced if a regular instructor is  
23 absent for any reason.

24 (e) Develop a mechanism to test all offenders committed to the  
25 custody of the Department of Corrections for academic  
26 achievement unless the offenders are specifically excluded from  
27 the testing requirement by board policy. Standards shall be in  
28 accordance with acceptable department testing standards for  
29 academic achievement.

30 (f) Develop a five-year comprehensive plan for a unified  
31 correctional school system by June 1, 2006. This unified school  
32 system shall not constitute a school district nor any other local  
33 educational agency. The plan shall have a three-year phase-in  
34 schedule and shall do each of the following:

35 (1) Work with the Prison Industry Authority to develop  
36 training programs for offenders.

37 (2) Develop measurable objectives for correctional education.

38 (3) Develop quality control mechanisms for correctional  
39 education.



1 (4) Integrate academic education and vocational education  
2 with participation in prison industries programs.

3 (g) Ensure that vocational education programs complement  
4 existing Prison Industry Authority programs whenever possible.

5 (h) In conjunction with the Department of Corrections,  
6 determine conditions under which an inmate may be removed  
7 from an education program or the classroom. The conditions  
8 developed for removal of an inmate from an education program or  
9 the classroom shall be consistent with any regulations or policies  
10 of the Department of Corrections as well as any federal laws.

11 (i) Conduct a survey of all correctional institutions to identify  
12 inmates with special education needs and develop a plan whereby  
13 those special needs are addressed.

14 (j) Develop and implement an ongoing teacher training  
15 program in correctional education in conjunction with the  
16 Commission on Teacher Credentialing.

17 SEC. 6. Section 32503 is added to the Education Code, to  
18 read:

19 32503. The committee shall submit a report to the Legislature  
20 on or before January 1, 2006, with recommendations for further  
21 restructuring of correctional education in this state. The report  
22 shall focus on, but not be limited to, each of the following:

23 (a) Attaining parallel education programs between correctional  
24 and public education.

25 (b) Correctional education governance system.

26 (c) Funding sources.

27 (d) Correctional education curriculum.

28 (e) Correctional library standards.

29 (f) Correctional teacher training.

30 (g) Appropriate correctional education liaisons with the greater  
31 educational community in this state.

32 SEC. 7. Section 2053.4 of the Penal Code is repealed.

33 ~~2053.4. The Director of Corrections shall appoint a~~  
34 ~~Superintendent of Correctional Education, who shall oversee and~~  
35 ~~administer all prison education programs. The Superintendent of~~  
36 ~~Correctional Education shall set both short-term and long-term~~  
37 ~~goals for inmate literacy and testing, and shall establish priorities~~  
38 ~~for prison education programs.~~

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